

o. f. 100/-

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

WRIT PETITION. NO 454 OF 2005

BETWEEN

Ku. Uttra Singh D/o Late Shri Kaushal Singh, aged about 43 years, occupation Assistant Teacher, posted at Janpad Primary School Sonsari, resident of Village Sonsari, Block Akaltara, Tahsil and District Janjgir Champa, (CG).

PETITIONER

AND

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1. The State of Chhattisgarh,
Through the Secretary Department of School Education, Mantralay, Chhattisgarh, D.K.S. Building, Raipur (C.G.)
2. The Director, Public Instructions, Raipur, Tahsil and District Raipur (CG).
3. The District Education Officer,
Janjgir Champa, District Janjgir Champa (CG).
4. The Block Education Officer, Akaltara, District Janjgir Champa.
5. The Head Master, Janpad Primary School Sonsari, Block Akaltara, District Janjgir Champa (CG).

P.R. No. 46/19/05
Presented by Shri. B.K. Kaluany
dated 27/9/05

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION
OF INDIA

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	07/10/2005 Smt. Mala Dubey, learned counsel for the petitioner. Shri Bhaskar Pyasi, Panel Lawyer for State/respondents on advance copy. Heard. The petitioner, who is a widow lady and aged about 43 years has challenged the legality of her transfer order dated 31/8/2005 in which, she has been transferred from Sonsari to Barpali. The submission of learned counsel for the petitioner is that the petitioner is presently residing with her parents in village Sonsari and if she will be sent to Barpali, which is at a distance of 60-70 kms., she will have to live alone there. In the said situation, the petitioner is feeling insecured. She further submits that the son of the petitioner is studying in a college which is situated near village Sonsari, therefore, she was enjoying the company of her son and was working peacefully. In this manner, the petitioner has filed this petition on the ground of her personal difficulties. It is a settled position that the order of transfers are to be interfered by a Court of law on certain grounds of malafide or violation of any statutory rule or any principle governing the transfer of an employee. However, these are not the factors governing the act of the State while interfering an order of transfer passed by its authority and the State can always look into the difficulties of its employees so as to keep them in such a condition so that they may render excellent services to the State. The	

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मामला क्रमांक WP 4540/05 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	welfare of the employee is one of the important considerations to be kept in the mind of the authorities of the State. For the time being, though I am not inclined to interfere in the matter, but I am inclined to direct the petitioner to file a detailed representation before the concerned authority and if the petitioner files the representation, the concerned authority must decide the same on the principles referred above. If so advised, the petitioner may file a representation before the concerned authority within a period of 15 days from today alongwith the certified copy of this order and writ petition and if such a representation is filed, the competent authority shall dispose of the same as early as possible preferably within a period of 6 weeks from today and the result of the representation shall be communicated to the petitioner. In the meanwhile, the impugned order of transfer shall be kept in abeyance for a period of 8 weeks from today. This Writ Petition stands finally disposed of with the aforesaid directions. Consequently M(W)P No.3679/2005 and IA No.8183/2005 stands disposed of. CC as per rules.	Sd/- Sunil Kumar Sinha Judge

24/05